IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No. 30096 of 1998

Between:

G.M. Kumar S/o N.G. Pillai,
CISF Unit, Visakhapatnam Port Trust,

Visakhapatnam-530 035

..... PETITIONER

AND

1 Union of India, rep. by Secretary
Ministry of Home Affairs, New Delhi
2 The Director General, CISF,
Ministry of Home Affairs, New Delhi
3 The Dy. Inspector General CISF Southern Zone
Head Quarters, TNHB Building, Annanagar East, Chennai-102
4 The Commandant, C.I.S.F. Visakhapatnam Port Trust,

Visakhapatnam-530 035

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus, directing the respondents to promote the petitioner to the post of a Naik having regard to the recommendations of the DPC of the year 1995 with all attendant benefits with retrospective effect from the date from which my next junior was promoted by giving a national benefit, declaring that the non-promotion of the petitioner for the last 25 years in-spite of the recommendations of the DPCs of the years 1992 & 1995, is highly arbitrary, *mala fide*, atrocious, improper, contrary to law, violative of the Fundamental rights, and principles of natural justice.

Counsel for the Petitioner: Mr.D.RAMALINGA SWAMY

Counsel for the Respondents: Mr.P.PHALGUNA RAO,

Addl Standing Counsel for Central Govt.

The Court made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus directing the respondents to promote the petitioner to the post of Naik having regard to the recommendations of the DPC of the year 1995 with all attendant benefits with retrospective effect from the date from which his junior was promoted by giving notional promotion.

Respondents have filed a detailed counter affidavit denying the allegations made by the petitioner in the writ affidavit.

It may not be necessary to go into the merits of the case in view of the fact that the Sri Phalguna Rao, learned counsel for respondents, placed before this Court, copy of the Proceedings of the Commandant, CISF Unit, Visakhapatnam steel Plant, Visakhapatnam dated 20-9-2001, from which it is clear that the petitioner's case for promotion to the rank of HC/GD was considered and he was promoted to the rank of HC/GD with effect from 13-9-2001. In view of the same, substantial cause of action has already been met with. The copy of the said Proceedings dated 20-9-2001 is placed on record.

The Writ Petition is closed leaving it open to the petitioner to work out his remedies available under law, if he is further aggrieved by the said Proceedings dated 20-9-2001. No costs.

October 4, 2004

Prk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary
Ministry of Home Affairs,

Union of India. New Delhi

2 The Director General, CISF,
Ministry of Home Affairs, New Delhi
3 The Dy. Inspector General CISF Southern Zone
Head Quarters, TNHB Building, Annanagar East, Chennai-102
4 The Commandant, C.I.S.F. Visakhapatnam Port Trust,

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